EPISTEMIC STANCE IN THE KAVANAUGH CONFIRMATION HEARING: FOCUS ON MENTAL AND COMMUNICATION VERBS

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Abstract

This article reports on a study into the use of a subset of stance markers in the Kavanaugh confirmation hearing, and it reveals how the choice of these markers is affected by the speakers' interactional roles and communicative purposes. It looks in particular at the ways the Supreme Court nominee and his accuser deploy "Believing" mental verbs (*think, believe, understand*) and common communication verbs (*say, tell, talk*) to orient themselves to the epistemic domain. The investigation also demonstrates how the questioners, i.e. the Senators and the prosecutor, manifest their attitudes. In sum, the analysis suggests that Judge Kavanaugh prefers external domains of reference (communication verbs) whereas Christine B. Ford favours internal domains of reference (mental verbs). In this way, rational and credibility appeals (*logos* and *ethos*) are juxtaposed with affective appeals (*pathos*). Consequently, it is posited, patterns with mental and communication verbs determine the degree of certainty projected by the testifying parties.

Keywords

communication verbs, confirmation hearing, epistemic stance, mental verbs, US Supreme Court

1 Introduction

Despite the seemingly infinite number of ways in which we can express our attitudes, emotions and assessments, we use a limited set of resources repeatedly, being culturally "programmed" to do so (Precht 2003: 240). It also seems obvious that our expression of stance is shaped not only by culture and custom but also the context of use and the audience, and that we adjust the choice of stance markers "to frame the way others perceive us" (ibid.: 240). Analysis of such linguistic signals, especially those marking epistemic stance, becomes even more relevant in institutional contexts where the construction of knowledge and certainty affects the perception of speakers' credibility. One such setting – the confirmation hearing of Judge Kavanaugh, Donald Trump's nominee to the Supreme Court of the United States – is the focus of the current study showing how the choice of a subset of stance markers, i.e. mental and communication verbs, is determined by the speakers' interactional roles and communicative purposes. At the same time, the analysis demonstrates how the

Discourse and Interaction 12/2/2019, pp. 72-94
ISSN 1802-9930
https://doi.org/10.5817/DI2019-2-72

patterns of use of a selection of verbs identified in other social environments are reflected in the current dataset. The examination of several common "Believing" mental verbs (*think, believe, understand*) and communication verbs (*say, tell, talk*) reveals significant differences between the linguistic performances of the two testifying parties, who orient themselves to the epistemic domain in their own distinctive ways. While Judge Kavanaugh seems to prefer communication verbs (i.e. public domains of reference), his accuser, Christine B. Ford relies more frequently on mental verbs (i.e. private domains of reference). The analysis complements another study into the Kavanaugh confirmation hearing focusing on "Knowing" and "Unknowing" mental verbs (*(not) know, (not) recall*, *(not) remember*) (Szczyrbak 2019, September).

2 Epistemic stance and mental and communication verbs

In discourse-functional approaches, *stance* is not a static mental concept. Instead, this notion refers to an interactive activity and the collaborative positioning of discourse subjects and objects (Englebretson 2007). *Epistemic stance*, in particular, refers to "knowledge or belief vis-à-vis some focus of concern, including degrees of certainty of knowledge, degrees of commitment to truth of propositions and sources of knowledge, among other epistemic qualities" (Ochs 1996: 410). In a similar vein, as Biber et al. (1999: 972) put it, epistemic markers are those that index "certainty (or doubt), actuality, precision, or limitation; or they can indicate the source of knowledge or the perspective from which the information is given". However, not all scholars share this broad view and some of them suggest that the source of knowledge (*evidentiality*) and the assessment of the reliability of this knowledge (*epistemicity*) should be regarded as distinct categories (see e.g. Aikhenvald 2004).

Whatever the approach to the relation between epistemic stance and evidentiality, functional linguists seem to agree that speakers use a varied repertoire of linguistic means to display their knowledge, no-knowledge or the degree of certainty they claim (and negotiate) in interaction. However, the various degrees of certainty that can, or should, be assigned to individual markers are not always obvious. As an alternative to this, Zuczkowski et al. (2014) posit that the epistemic stances speakers claim are reducible to three positions: "Knowing" (e.g. *I know/recall/remember*), "Unknowing" (e.g. *I don't know/recall/remember*) and "Believing" (e.g. *I think/believe/suppose*). In their KUB model, the authors accommodate both the epistemic and the evidential dimension. As they see it, the Knowing position refers to what the speaker presents as certain information basing on what s/he perceives (evidentiality) or deducts/infers (epistemicity). The Unknowing position, on the other hand, represents the speaker's lack of

knowledge about the information in question which is therefore to be regarded as neither certain nor uncertain. Finally, the Believing position, as they propose, describes the speaker's beliefs, opinions, assumptions or doubts, regardless of the degree of uncertainty that is being communicated (Zuczkowski et al. 2014: 127-128). The KUB model has been adopted in the current study and of particular interest in the first portion of the investigation (reported in Section 3) are mental verbs encoding belief as well as common communication verbs.

As indicated above, epistemic stance can be indexed by an array of lexico-grammatical markers including mental and communication verbs. These, in turn, are considered to be "two sides of the same coin" depicting the same phenomena, with mental verbs (such as *think*) showing phenomena held internally and communication (or speech act) verbs (such as *say*) representing reality which is manifested externally (Shinzato 2004: 871, as cited in Brinton 2008: 73). Put differently, mental (or cognitive) verbs are "concerned with internal (or private) domains of reference, viz. the speaker's psychological disposition to which s/he has privileged access" whereas verbs of speaking are concerned with public (or external) domains of reference (Fetzer 2014: 70). By using mental verbs, the speaker makes explicit subjectively qualified information and thus attributes an intersubjective dimension to the private domain (Fetzer 2011: 260). By qualifying assertions with public verbs of speaking, on the other hand, the speaker makes it clear that s/he "has uttered the proposition before and is uttering it again in order to re-assert her/his claim" (ibid.: 261).[1]

The most common mental verbs include *think* and *believe*. However, it is the phrase *I think* that has received the greatest scholarly attention. Its role in discourse has been described in different ways, with researchers focusing, for instance, on the degree of its pragmaticalisation and its pragmatic marker (or particle) status (Aijmer 1997, Fetzer 2014), its comment clause use in conventional and variant forms (Kaltenböck 2013) as well as its stance, politeness and discourse marker roles in conversation (Kärkkäinen 2003). As has been observed, the degree of certainty expressed by *I think* ranges from 'doubt' to 'lack of doubt', and its meaning depends on prosody, context and position (Mullan 2010). Most commonly, *I think* occurs in intonation unit-initial position and it enables speakers to "establish their stance and display a certain orientation towards propositions or parts thereof, or to a longer sequence of discourse" (Kärkkäinen 2003: 115). In its various positions, *I think* has been found to act as an organisational discourse marker (marking discourse boundaries, initiating a new topic, summing up discourse, marking a new perspective in the upcoming turn, marking finality or signalling turn completion), a marker of doubt or opinion, or as a recipient-oriented face-saving device (Mullan 2010: 122).

Similarly, *I believe*, which has retained its more determinate meaning, has been thoroughly examined, most notably in conjunction with other discourse markers (*and, but, so*). When used in political discourse, it has been proposed, *and I believe* signals the speaker's firm commitment towards his/her claim and indicates that the following argument supports the previous one (Fetzer 2014: 81). It is also important to note, in line with Verhagen (2005: 76, as cited in Fetzer 2011: 261), that constructions such as *I think* or *I believe* are intersubjective since they consist of "instructions to perform inferential operations of a certain type, independently of the 'objective' content of the utterances". Simply put, constructions with mental verbs take into account the hearer's perspective and guide his/her interpretation of the standpoint expressed in the proposition.

In the same way, communication verbs (also referred to as *speech act verbs*, *verbs of speaking* or *verba dicendi*) and their interactional potential have been examined from various angles. From a semantic point of view, such verbs belong to "verbs of cognition" since they involve the act of transmitting information by the speaker who "possesses" it to the recipient who is then transferred from the state of "not knowing" the information to the state of "possessing" it (Hirschová 2009: 1072). Common verbs such as *say*, *tell* or *talk* refer to speech events and speakers use them to refer to their own utterances (self-reporting) or to those produced by third parties (other-reporting). Given the diversity of this class of verbs, it is not surprising, however, that "there is no single verb which would contain and convey all aspects of a speech act" and that "there are few verbs which are employed to describe only speech acts" (Gawlik 2010: 52 drawing on Kleszczowa 1989).

The role of communication verbs in marking attitude in legal settings has been addressed, for instance, by Clift and Holt (2007) and Johnson (2014), who stress the organising power of reported (embedded) speech and its evaluative potential in the courtroom. Likewise, Szczyrbak (2018) draws attention to how several patterns with the progressive of verbs of speaking betray the speaker's stance and convey his/her (predominantly negative) assessments. In particular, she sees interrogatives with *say* (*Are you saying …?*) as part of *courtroom idiom* and a marker of institutionally-based dominance. On the other hand, the interactional role of communication verbs in non-legal settings has been discussed, for instance, by Gawlik (2010), who notes that in spoken academic English, *say* occurs mostly as a transitive verb followed by prototypical direct objects or direct or reported speech, and that it is used chiefly for self-reporting.

Against this background, in Section 3, I discuss the recruitment of several mental and communication verbs in the Kavanaugh confirmation hearing held before the Senate Judiciary Committee on 27 September 2018. In doing so, I aim

to demonstrate how the highly confrontational public setting and the speakers' interactional roles (accuser vs. alleged offender vs. questioner) influence their choice of stancetaking resources which, in turn, affect the perception of their authority and credibility.

3 Mental and communication verbs in the Kavanaugh confirmation hearing

3.1 Data

The material examined in this study is drawn from the confirmation hearing of Judge Kavanaugh, Donald Trump's 2018 nominee to the Supreme Court of the United States. Following the President's nomination and "the advice and consent of the Senate", Judge Kavanaugh was eventually appointed to the nation's highest court. However, this was preceded by a series of hearings involving examination of not only the nominee's public record and professional credentials but also his private background. The 27 September hearing, which was broadcast live on television, attracted considerable attention since it concerned last-minute allegations of sexual assault, which, if proven, would disqualify the nominee shortly before the final vote. Judge Kavanaugh faced a barrage of questions related to his conduct in high school and college, aiming to prove or disprove the account of the alleged assault presented by Christine B. Ford. The hearing started with the accuser's opening statement which was followed by a question-and-answer session and the same procedure was repeated with the nominee. Though not a criminal proceeding, the hearing involved a professional sex crimes prosecutor who conducted the questioning, and both Christine B. Ford and Judge Kavanaugh testified under oath. The prosecutor used most of the question time allotted to the Republican Senators who chose not to question the accuser directly and the questioning was divided into five-minute increments. The transcripts used in the analysis (totalling around 50,000 words) were downloaded from the Washington Post website while the video of the hearing was accessed via the NBC youtube.com channel.[2]

3.2 Research focus and method

As noted above, both Judge Kavanaugh and Christine B. Ford testified under oath; however, the two testimonies were clearly contradictory. As such, they were thoroughly scrutinised, with analysts pointing to the holes and inconsistencies in the two narratives as well as displays of emotion and meaningful body language signals produced by both parties. It should be noted, however, that the oftentimes divergent assessments of the credibility of the two witnesses appeared

to be affected not only by the analysts' professional backgrounds but also their political affiliations.

The study reported here is intended as an alternative to such assessments and it centres on the linguistic make-up of the testimonies, including in particular the deployment of several "Believing" mental verbs (*think, believe*, *understand*) as well as the most frequent communication verbs (*say, tell, talk*). The analysis complements another study into the Kavanaugh confirmation hearing focusing on "Knowing" and "Unknowing" mental verbs (*(not) know, (not) recall, (not) remember*) (Szczyrbak 2019, September). Taken together, the two investigations provide insight into how various participants in a "he said, she said" type of proceeding use mental and communication verbs to orient themselves to the epistemic domain and to publicly assert their epistemic positions.

In this portion of the investigation, I address the following questions: 1) What is the role of "Believing" mental verbs and communication verbs in the co-construction of epistemic stance in the data?; 2) How are the patterns of use of the analysed verbs linked to the speakers' interactional roles and communicative purposes (accuser vs. alleged offender vs. questioner)?; 3) What are the differences, if any, in the ways Judge Kavanaugh and Christine B. Ford recruit mental and communication verbs to (re-)assert their claims and build credibility?

Toward this end, in the ensuing discussion, I refer both to the quantitative data obtained with the use of corpus analysis software (WordSmith Tools) as well as the results of a qualitative reading of the transcript and an analysis of the video documenting the hearing. Given the focus of the study, the examination centres on patterned co-occurrences of present and past forms of selected verbs (*think, believe, understand*) with first-person pronouns, obtained in a corpus query[3], the results of which were subsequently analysed and ordered manually. To provide a broader perspective, where relevant, brief references are also made to other verb patterns which emerged during the qualitative analysis of the data (e.g. use of the "attention" verbs *look* and *listen* and the impersonal phrase *would it be (also) fair to say*).

In the analysis, I try to combine, in a somewhat unorthodox manner, the phraseological perspective with what may be gleaned from an examination of the sequential organisation of interaction and the design of the contributions made by the co-present participants. As a consequence, the study is informed both by the assumptions underlying corpus-based studies focusing on recurrent patterns and their distribution in large amounts of text (see e.g. Partington et al. 2013) and those associated with the conversation-analytic methodology (see e.g. Sidnell & Stivers 2013) consisting in detailed examinations of individual interactions

(though, admittedly, it differs significantly from traditional CA investigations which scrutinise rigorously all prosodic features). I believe that the two perspectives may feed into each other and thus provide a fuller picture of how subjective meanings arise in spoken interaction.

3.3 Findings

Overall, the examination showed that "Believing" mental verbs and communication verbs were not particularly frequent and at first sight the figures and the concordance lines did not appear promising. It was only after a careful contextual analysis that some patterns began to emerge, revealing significant, as it eventually transpired, differences between the linguistic performances of the two testifying parties and the ways in which they oriented themselves to the epistemic domain. Below is a discussion of the patterns identified in the data, reflecting in particular the conflicting communicative aims of the nominee and his accuser.

3.3.1 Patterns with "Believing" mental verbs

As it turned out, unsurprisingly, *think*, and especially the phrase *I think*, was by far the most frequent choice of all the "Believing" verbs analysed in the current study, with *think* being the most common mental verb among all R1 collocates of the pronoun *I* (75 tokens). The phrase seemed to be preferred by the Senators and not the testifying parties, although it must be admitted the differences between the frequencies of use result also from the fact that the figure provided for the questioners does not reflect the contributions made by individual speakers but refers to them collectively. A similar pattern was observed in the case of *I believe* (for a list of relevant patterns and their frequencies, see Appendix 1).

In addition, several other regularities emerged. Firstly, the Senators used not only the routinised stance frame *I think* preceding the actual assessment (Example 1) but they also chose the *I* + modifier + *think* pattern (e.g. *I actually think, I still think*, *I really think, I do think, and I just think*) indicative of the actual process of cogitation (Examples 1 and 2). By contrast, no such uses were recognised in the turns of the testifying parties.[4] Secondly, parenthetical uses of *I think*, operating as a discourse marker and linked to tentativeness and hedging, were found chiefly in the turns of the Senators (Example 3). Identified in the data was also the cluster *and I think* (Example 4), indicating the speaker's firm commitment towards the validity of his/her claim (cf. Fetzer 2014), and it was clearly favoured by the Senators as well (11 tokens out of 14).

(1) [SEN. CRAPO:] *(...)* ***I think***[5] *....* ***And I just think*** *it should be made clear.* ***I think*** *there's been a lot of back and forth here about, "Oh, we're not getting information, we're not looking at this. You don't want to look into the investigation, you don't want to see what happened." (...)*

(2) [SEN. KLOBUCHAR:] *(...) And many people are focused today on what you're not able to remember about that night.* ***I actually think*** *you remember a lot. I'm going to phrase it a little differently: can you tell us what you don't forget about that night?*

(3) [SEN. WHITEHOUSE:] *You mentioned,* ***I think****, the Renate or Renata — I don't know how you pronounce that — that's a proper name of an individual you know?*

(4) [SEN. CORNYN:] *The American — the American people — the American people are listening to this, and they will make their decision* ***and I think*** *you'll come out on the right side of that decision.*

Turning now to the two testimonies, the first thing to note is that the frequency of *I* + *think* was rather low (15 tokens – Dr Ford; 12 tokens – Judge Kavanaugh) as compared with that observed in the discourse of the Senators and the prosecutor (48 tokens).[6] Notwithstanding the above, it was the matrix clause use of *I think* with a zero complementiser that was preferred by all the participants. On the other hand, *I think that* – which, as noted by Aijmer (1997: 21) and Wierzbicka (2006: 38), is more deliberative than *I think* – was marginal and it was found only in the turns of Dr Ford and the Senators (3 tokens in total). By contrast, *I think that's* + NP appeared both in the discourse of the nominee and his opponent (Examples 5 and 6). Interestingly, *I think* did not occur in either of the two (scripted) opening statements. Instead, it was identified in the testifying parties' spontaneous responses, which seems to corroborate the claim that *I think* is predominantly an organisational discourse marker, rather than an epistemic one. At the same time, as it transpired, Judge Kavanaugh used the audience-directed imperative *think about that (word/fact)* three times in his prepared statement (Example 7), thus clearly displaying confidence and claiming control over his public performance.[7] The negated form *I (actually) don't/do not think*, adding emphasis, was also preferred by the judge (Example 8). Occasionally, however, tentative *I think*, acting as a discourse marker, was also noted in the nominee's turns (Example 9).

(5) [DR FORD:] ***I think that's*** *a great question.* ***I think*** *the etiology if anxiety and PTSD is multifactorial. So that was certainly a critical risk — risk that — we would call a risk factor in science, so that would be a predictor of the symptoms that I now have. (...)*

(6) [JUDGE KAVANAUGH:] (…) ***I think that's*** *very common. I don't know if you've been to a Super Bowl party for example, Senator, and not paid attention to the game and just hung out with your friends. I don't know if you've done that or not. But that's what we were referring to in those — those two occasions.*

(7) [JUDGE KAVANAUGH:] *Here is the quote from Ms. Keyser's attorney's letter: quote, "Simply put, Ms. Keyser does not know Mr. Kavanaugh, and she has no recollection of ever being at a party or gathering where he was present, with or without Dr Ford,"* end quote. ***Think about that fact****.*

(8) [JUDGE KAVANAUGH:] ***I don't think that — I don't — I do not think that's*** *a fair characterization, and Chris Dudley's quoted in that article, and I would refer you to what Chris Dudley said. I spent more time with Chris Dudley in college than just about anyone, and I would refer you to what he said.*

(9) [JUDGE KAVANAUGH:] *No, the — the — we drank beer, and .. yeah ... you know, so — so did,* ***I think****, the vast majority of — of people our age at the time. But in any event, we drank beer, and — and still do. So whatever, you know.*

On the other hand, the analysis of Dr Ford's turns revealed that she deployed *I think* mainly in its unmarked position, that is intonation-unit initially (Examples 10, 11 and 12). It thus became plain that many of these occurrences were linked to online planning and lower certainty, as indicated by the co-occurring items and the reduced phonological realisation of *I think* (attested by the video recording).

(10) [DR FORD:] ***Well, I think*** *there's, sort of, biological predispositions that everyone in here has for particular disorders. So I can't rule out that I would have some biological predisposition to be, you know…*

(11) [DR FORD:] *Correct —* ***I think*** *correct, then. I was interviewing lawyers…*

(12) [DR FORD:] ***I — I — I think so****, it would be possible. I — I'm guessing it would be possible, but I don't know.*

Noteworthy was also the co-occurrence of *I think*/*I believe* with mental and communication verbs, which may be seen as part of the "cultural programming" (Precht 2003: 240) and the Anglo-Saxon way of distinguishing between fact and opinion (cf. Wierzbicka 2006). Such configurations appeared in the speakers' references to what they themselves heard or described (Examples 13 and 14) or to what other participants said (Example 15). When prefaced with *I think/I believe*, the statements seemed less categorical and clearly pointed to the speaker's subjective qualification of the information.

(13) [SEN. TILLIS:] *(...) I also want to go back to the comments this morning.* ***I think I heard*** *— and we can go back to the record if someone disagrees with me —* ***I think I heard*** *Dr — Dr Ford say that she wasn't aware of the fact that we said we'd come to California. We'd make it confidential. We'll completely depose and ask any questions you want to.* ***I think I heard*** *her say she wasn't aware of that. I don't know where that came with counsel or whether counsel just neglected to tell her — her counsel. (...)*

(14) [DR FORD:] *Well, it's — it's impacted me at different stages of the development of my life. So the immediate impact was probably the worst, so the first four years.* ***I think I described*** *earlier a fairly disastrous first two years of undergraduate studies at University of North Carolina, where I was finally able to pull myself together. (...)*

(15) [PROSECUTOR MITCHELL:] *When we left off, we were still talking about the polygraph,* ***and I believe you said*** *it hasn't been paid for yet. Is that correct?*

Finally, a brief mention seems in order on the use of the past form of *think*. The data reveal that *I thought* was deployed both by Dr Ford and the Senators. Judge Kavanaugh, on the other hand, used the *we*-perspective in the mindsay structure *we thought*, in an attempt to, as may be justifiably assumed, downplay his own role and to distance himself from one of the disputed entries in the yearbook presented as evidence which might throw light on his earlier conduct (Example 16).[8]

(16) [JUDGE KAVANAUGH:] *One of our friends, Squi, when he said the F word starting at a young age, had kind of a wind-up to the F word. Kind of a "ffff." (LAUGHTER). And then the word would come out. And when we were 15,* ***we thought*** *that was funny. And it became an inside joke for the — how he would say, "Ffff" — and I won't repeat it here. For the F word.*

As for the recruitment of *I believe*, which was admittedly less frequent than *I think* (27 tokens), it proved to be used chiefly by the Senators. This was particularly visible in the case of *and I believe* (9 tokens), which, like *and I think*, has been described as a booster and a salient discourse pattern in spoken political genres (Fetzer 2014: 81). Similarly to *and I think, and I believe* makes explicit the speaker's chain of argument and indicates "that the argument to follow is a firm backing of the previous one" (ibid.), as illustrated by Example 17. On the other hand, parenthetical *I believe*, marking conviction due to its more determinate semantics (Example 18), was indeed marginal in the data (3 tokens) and, again, it was used only by the Senators. Last but not least, *I believe* expressing the speaker's acceptance of the evidence provided by another

speaker was likewise uttered only by the Senators (Example 19). Unsurprisingly, the four tokens of *I believe you* were found only in the turns of the Democratic Senators (who opposed Judge Kavanaugh's nomination) and not those of their Republican colleagues. Thus, they publicly sided with the accuser and boosted her credibility. Finally, as already indicated, *(and) I believe you said* was uttered by the prosecutor questioning Dr Ford and seeking confirmation of her earlier statements (Example 15).

(17) [SEN. HIRONO:] *(...) We should look the question square in the face: does character matter? Do our values, our real values about what is right and what is wrong, and about whether we treat our fellow human beings with dignity and respect, do they matter anymore?* ***I believe they do, and I believe*** *the reaction we have seen to this coverage right now, and your courage all over this country shows us that we're not alone, you're not alone; that women and men all across America are disgusted and sick and tired of the way basic human decency has been driven from our public life. (...)*

(18) [SEN. BLUMENTHAL:] *(...) You've made reference, judge, to a sworn statement* ***I believe*** *by Mark Judge to the committee. Is that correct?*

(19) [SEN. BLUMENTHAL:] *(...) I want to join in thanking you for being here today. And just tell you I have found your testimony powerful, incredible* ***and I believe you****. You're a teacher, correct?*

The last of the three "Believing" mental verbs discussed here is *understand*, which has received less scholarly attention than *think* and *believe*. The analysis of the distribution and function of *I understand* in the data has, again, revealed that it was preferred by the committee members (17 tokens) and not the testifying parties (4 tokens). Various patterns with *understand* clearly had a monitoring function and they appeared in contexts where the speakers hedged their utterances and/or checked their understanding by eliciting a response from the addressee (Examples 20 and 21). Given its role in discourse, *I understand* appeared in the clusters *if I understand (it/sth correctly)*, *and I understand* and *as I understand*. Interestingly, *(this/that/it/here) (is/was) my understanding* also resurfaced as a noteworthy pattern (with 7 tokens identified in the turns of Judge Kavanaugh and 6 tokens in the turns of the Senators). By analogy to other constructions with possessive pronouns (e.g. *it is my belief*), also this pattern may be seen as the speaker's attempt to distance him-/herself from the claim being made by modifying the level of agency and responsibility for his/her words (cf. Mühlhäusler & Harré 1990: 225, as cited in Dontcheva-Navratilova 2011: 115). On the other hand, in the context of a judicial proceeding, confirmatory *it's my understanding* produced in response to a question can additionally mark the

speaker's relative certainty as well as imply that the information provided may, in fact, be incorrect (Example 22). This has naturally not only pragmatic but also legal implications given that the testimony is provided under oath.

(20) [SEN. CRAPO:] *(...) I'm not going to get to that unless I have time. I want to talk about what happened in the Senate committee's investigation. Because* ***as I understand it*** *— and this may be more of a question to the chairman — as soon as we received information, which was about 45 days after others on the committee received it, we conducted an investigation. Is that correct, Mr. Chairman? (...)*

(21) [SEN. FEINSTEIN:] *... And — and what you're saying,* ***if — if I understand it****, is that the allegations by Dr Ford, Ms. Ramirez and Ms. Swetnick are — are wrong?*

(22) [JUDGE KAVANAUGH:] ***It's my understanding****, yeah. Well — I had a meeting,* ***and that's my understanding*** *of the date.*

3.3.2 Patterns with communication verbs

Beside the patterns with *think*, *believe* and *understand*, in the data at hand, I have also examined various configurations of the pronouns *I* and *we* with the most common communication verbs, i.e. *say*, *tell* and *talk* (for a list of relevant patterns and their frequencies, see Appendix 2). At the outset, it should be admitted that although these verbs were identified in self-reporting structures, their frequencies were not spectacularly high, and they were complemented by the speakers' use of visual (*I saw/we saw*) and auditory (*I heard/we heard*) perception markers which fall outside the scope of this analysis.[9]

With regard to reporting signals marking public domains of reference, as predicted, *say* turned out to be the most frequent choice, especially *(when) I say* and *I said* (Examples 23 and 24). This ties in with interactional linguists' claim that speakers not only make explicit their personal stance and epistemic attitude towards the information they share but also "provide evidence for their conversational contributions should these be queried or challenged" (Fetzer 2014: 74). In the dataset analysed, it was revealed that the Senators and the prosecutor opted for *(when) I say* linked to clarification and reformulation (4 tokens) whereas Judge Kavanaugh chose *I said*-patterns to re-affirm his earlier claims (10 tokens), as did the Senators (5 tokens) and Dr Ford (4 tokens), albeit less frequently.

Visibly absent, in turn, were the phraseologies *as/what I'm saying* and *I'm not saying* typical of the adversarial procedure involving the turn-by-turn negotiation of epistemic priority (Szczyrbak 2018). In the data under study, probably due to the format of the proceeding, such interactional patterns were not identified except for one use by Judge Kavanaugh firmly rejecting earlier

allegations of sexual misconduct (Example 25). Here, it should be mentioned that unlike the adversarial procedure, the confirmation hearing does not involve cross-examination and so there is no direct confrontation of contradictory testimonies, aiming to win the positive regard of the presiding judge (and, where applicable, the jury) by requiring that the witnesses confirm or disconfirm their counsel's version of events. Understandably, then, patterns with communication verbs such as *say* differ in the two settings.

(23) [PROSECUTOR MITCHELL:] ***And when I say*** *informally, I mean just a — a female complains. It doesn't have to be to anybody else but you*.

(24) [JUDGE KAVANAUGH:] *Senator,* ***I said*** *in my opening statement that she preferred confidentially. And her confidentially was — was destroyed by the actions of this committee.*

(25) [JUDGE KAVANAUGH:] *Yes, that — that is emphatically* ***what I'm saying****; emphatically. The Swetnick thing is a joke. That is a farce.*

Unlike *say* discussed above, *talk* (having *about, with*, and *to* as its most frequent R1 collocates) tended to focus on the subject of the ongoing interaction, rather than the speakers themselves, and as such it was found mainly in the progressive form preceded by the pronoun *we* (Example 26). The use of inclusive *we*, it may be argued, suggested a shared epistemic perspective and aimed to draw the audience into the discourse. On the other hand, authority-oriented *I'm talking about* was used mainly for clarification or disambiguation purposes (Example 27).

(26) [PROSECUTOR MITCHELL:] *Is there anything that could even remotely fit* ***what we're talking about****, in terms of Dr Ford's allegations?*

(27) [PROSECUTOR MITCHELL:] *Prior to your nomination for Supreme Court, you've talked about all of the female clerks you've had, and the women that you've worked with.* ***I'm not just talking about*** *them;* ***I'm talking about*** *globally. Have you ever been accused, either formally or informally, of unwanted sexual behavior?*

Several interesting observations were also made about the verb *tell*. In line with earlier research looking at the patterns with *tell* in the courtroom setting (Szczyrbak 2018), it was discovered that patterns with *tell* almost always indicated the audience. A clear difference was to be seen, however, between the testimonies provided by Judge Kavanaugh and Christine B. Ford. The nominee plainly oriented himself to the co-present committee members addressing them

directly (*you, this committee*) whilst reasserting his earlier claims (Example 28), or saying that he was telling the truth (Example 29). Dr Ford, in turn, referred to what she had (or not) disclosed (*my whole life story, the details*) and to whom (*a couple of close friends, my husband*). Thus, Judge Kavanaugh reaffirmed his earlier claims produced before the same audience, showing their relevance to the ongoing interaction whereas Dr Ford focused on more distant events which concerned spatially and temporally remote addressees (Example 30). Thus, it became evident that the temporal orientations of the two speakers differed (which was further corroborated by the absence of the present progressives *I'm saying* and *I'm telling* in Dr Ford's turns).

(28) [JUDGE KAVANAUGH:] *(...) But today, I have to say that I fear for the future. Last time I was here,* ***I told this committee*** *that a federal judge must be independent, not swayed by public or political pressure. (...)*

(29) [JUDGE KAVANAUGH:] *I — I welcome whatever the committee wants to do, because* ***I'm telling the truth****.*

(30) [DR FORD:] *Over the years,* ***I told very, very few friends*** *that I had this traumatic experience.* ***I told my husband*** *before we were married that I had experienced a sexual assault.* ***I had never told the details*** *to anyone — the specific details — until May 2012, during a couples counselling session.*

4 Conclusion

In this paper, I have argued that examination of patterns with mental and communication verbs can shed light on how speakers orient themselves to the epistemic domain and, consequently, how they frame the way others perceive them (Precht 2003: 240) in a high stake public encounter. I have also demonstrated that the stancetaking strategies selected by the participants in the confirmation hearing reflected not only their status in the interaction but also their pragmatic motivations. In particular, my goal was to investigate the choice of several "Believing" mental verbs (*think, believe, understand*) by the two testifying parties as well as their recruitment of the most common communication verbs (*say, tell, talk*). I also looked at how the questioners (the Senators and the prosecutor) manifested their attitudes. My observations can be summarised as follows:

1. Although the corpus was relatively small and the number of patterned co-occurrences was low, a detailed contextual examination revealed significant differences between the ways in which Judge Kavanaugh and Christine B. Ford communicated their assessments and epistemic positions. As already noted, the nominee tended to use communication verbs to reassert

his earlier claims in front of the same audience (*I said, I'm saying, I told this committee, I'm telling you)* whereas the accuser more frequently relied on "Believing" mental verbs (*I think/I thought, I believe (so)*) and referred to spatially and temporally remote events. This suggests that the judge preferred external domains of reference (apparently avoiding references to his inner thoughts and feelings). His accuser, on the contrary, focused on internal domains of reference (foregrounding her own mental operations) more than on the outward projection of her epistemic position. In addition, Judge Kavanaugh displayed more confidence and claimed control over his own linguistic performance[10], as evidenced by the absence of explicit markers of doubt, the infrequent use of markers of belief and, finally, the presence of imperatives directing the audience to accept his argument (*think about that fact; look at what I said; I say listen to both sides*). Following the Aristotelian model of persuasion, we may thus conclude that Judge Kavanaugh resorted to rational and credibility appeals (*logos* and *ethos*), which might be attributable to his legal training, while his adversary demonstrably sought to influence the audience through affective appeals (*pathos*), which is also understandable given the subject matter of the hearing and Dr Ford's status of an alleged victim.

2. Looking at the individual turns-at-talk and the exchanges between the questioners and the testifying parties, it was also possible to see that the Senators and the prosecutor tailored their interactional strategies to their own rhetorical ends. As the data bore out, most of the mental verbs under study were found in the turns of the Senators and their configurations were consistent with earlier research identifying salient discourse patterns in political genres (*and I think*; *and I believe*). On the other hand, the turns of the prosecutor revealed patterns typical of courtroom examinations (*would it be fair to say; I believe you said*). It was also noted that the Senators' political affiliations (and, arguably, their political motivations) were reflected in their discourse. For instance, it was only in the turns of the Democrats that the phrase *I believe you* was found, which, as may be speculated, aimed at boosting Dr Ford's credibility and undermining Judge Kavanaugh's integrity. Another discovery was the questioners' use of *if/and/as I understand* whereby they checked their comprehension or decreased the illocutionary force of their statements.
3. Regarding the methodological approach taken, the current investigation strengthened my belief that given the multidimensionality of discourse analysis, a quantitatively-oriented examination cannot fully account for all the subjective meanings which arise in spoken interaction. However rigorous the analytical criteria, serendipitous discoveries in spoken data can indeed

prove as revealing as the results of a study following pre-defined parameters of analysis. Such was the case with some of the patterns which emerged in this study after a careful reading of the transcript and an analysis of the video-recorded testimonies. Reliance on the concordance lines and the frequencies alone would not have led to the same conclusions. In addition, the analysis has shown that stance and evaluation are truly cumulative and that their subtleties may escape notice if only statistical figures are considered. Along the same lines, it should be emphasised that some contextual configurations stand out not because of their frequency but for other reasons. Therefore, to capture the interplay of various epistemic markers, however frequent or infrequent they are, an inquisitive analyst should supplement quantitative analyses with qualitative interpretations, for which small specialised corpora seem fit (cf. Johnson 2014).

4. Finally, I hope to have demonstrated that Judge Kavanaugh and Christine B. Ford sought to communicate their respective truths and to build their credibility in differing linguistic ways. To have a fuller picture of how the two speakers positioned themselves with regard to the co-participants' epistemic stances – and to see how they used the verbs *know*, *recall* and *remember* to make claims of knowledge and no-knowledge – the reader is referred to the second portion of the study reported in Szczyrbak (2019, September). What can be established already at this point, however, is that a linguist cannot offer an unequivocal assessment of the testifying parties' veracity because it is not clear whether their mental states corresponded to what they manifested discursively in what will probably be remembered as one of the most memorable and spectacular confirmation hearings in US history.

Notes

[1] To illustrate this difference, Fetzer (2011: 260) contrasts the utterance "*I think* this is a tough view of the world" with "*I say* this is a tough view of the world" [emphasis mine], arguing that the former has the status of a personal opinion while the latter re-asserts the speaker's earlier claim. Fetzer (2014: 71) also posits that a public-domain reference such as *I say* or *I mean* may be used to reformulate or add a qualification to the speaker's prior qualification.

[2] For the reader's convenience – as well as to enable comparison with other datasets – the number of words appearing, respectively, in the turns of Judge Kavanaugh, Christine B. Ford and the Senators has been provided in the appendices. However, due to the relatively low number of individual verb forms, only raw counts have been included.

[3] In the query, the verbs under study were the node words and the search horizon was set at 5L.

[4] Except for one occurrence of the negated form *I actually don't think* uttered by Judge Kavanaugh.

[5] Here and in the following examples the emphasis is mine.

[6] This may however result from the differences between the respective talking times of individual participants and the fact that the questioners' strategies were not described individually for each speaker.

[7] It is also interesting to note that a similar pattern was observed in the case of the "attention" verbs *look* and *listen* (which, however, are not within the scope of this study). To boost his credibility, when addressing the committee, Judge Kavanaugh uttered the imperatives *look* eleven times and *listen* six times, drawing the hearers' attention to third-party evidence corroborating his testimony. No such structures were found in Dr Ford's discourse and she appeared to be the only source of information on the alleged assault.

[8] It was suggested during the hearing that the "I survived the FFFFFFFourth of July" entry had sexual connotations and that it was a form of bragging about a sexual conquest. According to the urbandictionary.com, "7Fs" denotes: "find them, french them, feel them, finger them, fuck them, forget them, forever." According to Judge Kavanaugh, the entry referred to the way in which one of his friends pronounced the "F word". This explanation, however, seems implausible given that the "I" pronoun used in the entry referred to the judge himself.

[9] It should also be reiterated that since patterned co-occurrences of *say, tell* and *talk* with other pronouns were excluded from the current study, other-reporting structures are not addressed here, either.

[10] It must, however, be admitted that there were moments when the judge could not control his emotions and bodily reactions as can be plainly seen in the recording of the hearing.

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Appendix 1
Patterns with selected "Believing" mental verbs
(*think*, *believe*, *understand*)

		PARTICIPANTS		
		FORD	**KAVANAUGH**	**QUESTIONERS**
WORD COUNT	**Total: app. 50,000**	**app. 8,000**	**app. 10,000**	**app. 31,500**
PATTERNS WITH MENTAL VERBS				
'Believing' mental verbs				
I THINK	**75**	**15**	**12**	**48**
I think Ø	38	5	6	27
I think that	3	2	0	1
I think that's	5	1	3	1
... I think ... [parenthetical]	6	1	2	3
as I think [parenthetical]	1	0	0	1
and I think (that)	14	2	1	11
well, I think (that)	2	2	0	0
so I think	1	0	0	1
because I think	3	1	0	2
but I think	1	0	0	1
I think so	1	1	0	0
I actually think	**1**	**0**	**0**	**1**
I still think	**1**	**0**	**0**	**1**
I really think	**1**	**0**	**0**	**1**
I do think	**1**	**0**	**0**	**1**
and I just think	**2**	**0**	**0**	**2**
I can think of	**1**	**0**	**0**	**1**
not that I can think of	**1**	**1**	**0**	**0**
I don't think	**7**	**1**	**3**	**3**
I do not think	**2**	**0**	**1**	**1**
I actually don't think	**1**	**0**	**1**	**0**
I don't think so	**1**	**0**	**1**	**0**
I can't think	**1**	**0**	**0**	**1**
I didn't think	**3**	**1**	**0**	**2**
I thought	**10**	**5**	**0**	**5**
we thought	**1**	**0**	**1**	**0**
****think (about that)*** [imperative]	**3**	**0**	**3**	**0**

I BELIEVE	**27**	**5**	**2**	**20**
I believe Ø	7	2	0	5
I believe that	1	0	0	1
... I believe ... [parenthetical]	2	0	0	2
and I believe	9	0	1	8
because I believe	1	0	1	0
I believe so	3	3	0	0
I believe you [=I accept what you said]	4	0	0	4
I believed	**3**	**2**	**0**	**1**
I believed Ø	1	1	0	0
I believed that	1	1	0	0
I believed her	1	0	0	1
and we believe	**1**	**0**	**0**	**1**

I UNDERSTAND	**21**	**2**	**2**	**17**
I understand Ø	5	1	1	3
I understand that…	3	1	0	2
I understand that.	2	0	0	2
and I understand	3	0	0	3
if I understand (it/sth. correctly)	4	0	0	4
as I understand	3	0	1	2
do I understand correctly	1	0	0	1
I do understand	**1**	**0**	**0**	**1**
I understood	**3**	**1**	**0**	**2**
I'm not understanding	**1**	**1**	**0**	**0**
we understood	**1**	**0**	**0**	**1**
TOTAL	**170**	**34**	**26**	**110**

Appendix 2
Patterns with selected communication verbs (*say, tell, talk*)

		PARTICIPANTS		
		FORD	**KAVANAUGH**	**QUESTIONERS**
WORD COUNT	**Total: app. 50,000**	**app. 8,000**	**app. 10,000**	**app. 31,500**
PATTERNS WITH COMMUNICATION VERBS				
I SAY	**10**	**2**	**3**	**5**
I say	1	0	1	0
may I say	1	0	0	1
can I say	3	1	2	0
when I say	4	0	0	4
if I say	1	1	0	0
I will say	**3**	**0**	**1**	**2**
I'll (just) say	**2**	**0**	**1**	**1**
I'd (just) like to say	**1**	**0**	**0**	**1**
I want to say	**2**	**0**	**0**	**2**
I can say	**1**	**0**	**0**	**1**
I would say/ I'd say	**3**	**1**	**2**	**0**
I have to say	**2**	**0**	**1**	**1**
I hate to say	**2**	**0**	**0**	**2**
let me say	**3**	**0**	**0**	**3**
let's say	**1**	**0**	**0**	**1**
I've said	3	0	3	0
I SAID	**19**	**4**	**10**	**5**
I said	7	2	3	2
what I said	5	0	4	1
and I said	3	2	1	0
as I said	3	0	2	1
like I said	1	0	0	1
I did not say that	**1**	**0**	**1**	**0**
I'M SAYING	**2**	**0**	**1**	**1**
what I'm saying	1	0	1	0
that I'm saying	1	0	0	1
WE SAID	2	**0**	**1**	**1**
we said	1	0	0	1
what we said	1	0	1	0
I was going to say	**1**	**1**	**0**	**0**
we had said	**1**	**0**	**0**	**1**
****would it be (also) fair to say***	**6**	**0**	**0**	**6**

I would always tell	**1**	**0**	**0**	**1**
I can tell you	**1**	**0**	**0**	**1**
I could tell the information	**1**	**1**	**0**	**0**
I want to tell you	**1**	**0**	**0**	**1**
I just wanted to tell you	**1**	**0**	**0**	**1**
I did not want to tell	**1**	**1**	**0**	**0**
I would tell you	**1**	**0**	**0**	**1**
I'm here today to tell the truth	**1**	**0**	**1**	**0**
I've told my colleagues	**1**	**0**	**0**	**1**
I TOLD	**11**	**5**	**5**	**1**
I told my whole life story	1	1	0	0
(as) I told + co-present audience [*you, this committee*]	6	0	5	1
I told + third party [*a couple of close friends; my husband; the receptionist; very, very few friends*]	4	4	0	0
***I had never told* [the details]**	**1**	**1**	**0**	**0**
I AM TELLING	**4**	**0**	**3**	**1**
I am telling you	2	0	1	1
I'm telling the truth	2	0	2	0
we tell the FBI	1	0	0	1

I'VE TALKED	**2**	**0**	**2**	**0**
I've talked to you	**1**	**0**	**1**	**0**
I've talked about	**1**	**0**	**1**	**0**
I'll talk to	**1**	**0**	**1**	**0**
I'm going to talk about	**2**	**0**	**2**	**0**
I don't usually to [sic!] talk about	**1**	**0**	**1**	**0**
I want to talk (to you) about	**3**	**0**	**0**	**3**

I don't want to talk about	**1**	**1**	**0**	**0**
I talked with	**1**	**1**	**0**	**0**
I also talked to	**1**	**1**	**0**	**0**
I had talked about	**1**	**1**	**0**	**0**
I haven't talked to	**1**	**0**	**1**	**0**
I haven't talked with	**1**	**1**	**0**	**0**
I'm talking about	**5**	**0**	**1**	**4**
I'm not (just) talking about	**2**	**0**	**1**	**1**
I'm only talking about	**1**	**0**	**0**	**1**
I wasn't talking about	**1**	**0**	**1**	**0**
we can talk to	**1**	**0**	**0**	**1**
we want to talk about	**1**	**0**	**1**	**0**
we've been talking about	**1**	**0**	**0**	**1**
WE'RE TALKING	**6**	**0**	**0**	**6**
we're talking about	4	0	0	**4**
we're talking here/ today	2	0	0	**2**
we've been talking about	**1**	**0**	**0**	**1**
we were (still) talking about	**2**	**0**	**0**	**2**
TOTAL	**127**	**21**	**44**	**62**

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